

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
U C P E T I T I O N

DO NOT WRITE IN THIS SPACE	
Case No. 27-UC-322333	Date Filed 7/24/2023

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located.

1. PURPOSE OF THIS PETITION: UC - UNIT CLARIFICATION - A labor organization is currently recognized by the Employer, but the Petitioner seeks clarification of the placement of certain employees or job classifications. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer Triple Canopy, Inc.	2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 7175 W Jefferson Ave #1700, Lakewood, CO 80235
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3a. Employer Representative – Name and Title Richard Eaton, Labor Relations Director	3b. Address (If same as 2b – state same) 9500 Micron Ave. Suite 136 Sacramento, CA 95827
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3c. Tel. No. 703-673-4219	3d. Cell No.	3e. Fax No.	3f. E-Mail Address Richard.Eaton@constellis.com
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4a. Type of Establishment (Factory, mine, wholesaler, etc.) Security Services Contractor	4b. Principal product or service Security Services
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5a. Description of Present Unit Included: All full-time and regular part-time security officers performing services for the Employer at FPS sites in tin and around the cities of Denver, Aurora, Littleton, Centennial, Englewood, Golden, Greenwood Village, Lakewood, Fort Collins, Louisville, Boulder, and Greeley, Colorado; Excluded: All other employees, contract managers, captains, lieutenants, sergeants, lead guards, applicants, candidates, pre-employment trainees, office clerical employees, professional employees, and supervisors as defined by the National Labor Relations Act.	5b. No. of Employees in Present Unit: 250
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6a. Description of Proposed Unit Included: All full-time and regular part-time security officers performing services for the Employer at FPS sites in the State of Colorado; Excluded: All other employees, contract managers, captains, lieutenants, sergeants, lead guards, applicants, candidates, pre-employment trainees, office clerical employees, professional employees, and supervisors as defined by the National Labor Relations Act.	6b. No. of Employees in Proposed Unit: 275
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7. City and State where unit is located: State of Colorado	8. Check One <input checked="" type="checkbox"/> Unit previously certified in Case <u>27-RC-257463</u> <input type="checkbox"/> Unit not previously certified.
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9. Job classifications of employees as to whom the issue is raised and number of employees in each classification
N/A

10. Reason Why Petitioner Desires Clarification
Petitioner represents two bargaining units which encompass all unit members under the Employer's Colorado FPS contract; Petitioner seeks to merge these units into one.

11a. Name of Recognized or Certified Bargaining Agent Security Officers Association of America	11b. Address P.O. Box 201051, Denver, CO 80220-7051
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11c. Tel. No. (303) 888-9932	11d. Cell No.	11e. Fax No.	11f. E-Mail Address president@soaa.uniontalk.us
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11g. Affiliation, if any None	11h. Date of Recognition or Certification May 5, 2020	11i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year) May 31, 2024
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12. Organizations or persons other than Petitioner and those named in item 11, who claim to represent any employees affected by the proposed clarifications. (If none, so state)

12a. Name None	12b. Address N/A	12c. Tel. No. N/A	12d. Cell No. N/A
		12e. Fax No. N/A	12f. E-Mail Address N/A

12g. Brief description of contract covering those employees.
N/A

13a. Full Name of Petitioner (including local name and number if applicable) Security Officers Association of America	13b. Address (street and number, city, state, and ZIP code) P.O. Box 201051, Denver, CO 80220-7051
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13c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)
None

13d. Tel. No. N/A	13e. Cell No. N/A	13f. Fax No. N/A	13g. E-Mail Address N/A
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14. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

14a. Name and Title William R. Reinken, Attorney	14b. Address (street and number, city, state, and ZIP code) 8085 E Prentice Ave, Greenwood Village, CO 80111
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14c. Tel. No. (303) 721-7399	14d. Cell No.	14e. Fax No.	14f. E-Mail Address will@rosenblattgosch.com
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I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) William R. Reinken	Signature /s William R. Reinken	Title Attorney for Petitioner	Date 7-24-2023
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

Agency Website: www.nlr.gov
Telephone: (303)844-3551
Fax: (303)844-6249



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July 24, 2023

Triple Canopy, Inc.
7175 West Jefferson Avenue
Suite 1700
Lakewood, CO 80235

Re: Triple Canopy, Inc.
Case 27-UC-322333

Dear Sir or Madam:

Enclosed is a copy of a petition that Security Officers Association of America filed with the National Labor Relations Board (NLRB) seeking to determine whether certain employees should be part of the existing collective-bargaining unit. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Stephanie Scaffidi whose telephone number is (720)598-7388. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Assistant to the Regional Director Kelly Selvidge whose telephone number is (720)598-7389.

Immediately upon receipt of the petition, the NLRB conducts an impartial investigation to determine if the NLRB has jurisdiction and if the petition is timely and properly filed, and the parties' positions with respect to the clarification sought by the petition.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Requested Information: To process the petition in this matter, we need certain information from you. Accordingly, please submit to this office, as soon as possible, the following information:

- (a) The correct name of your organization;
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any addenda or extensions, covering any employees in the collective-bargaining unit specified on the petition (the Unit);
- (c) A copy of any certification covering any of the employees in the Unit;
- (d) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the Unit or any other entity who would be affected by the proposed clarification;
- (e) Documents showing the classifications, duties and responsibilities of employees covered by the Unit, including the number of employees in the Unit, the classifications and number of employees sought to be included or excluded, and the job duties and responsibilities of the employees sought to be included or excluded;
- (f) Your position on the proposed clarification of the Unit; and
- (g) A completed commerce questionnaire, (form enclosed) to enable us to determine whether the NLRB has jurisdiction in this matter.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

Information about the NLRB, the procedures we follow in representation cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Kelly A. Selvidge". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

KELLY A. SELVIDGE
Acting Regional Director

Enclosures

1. Copy of Petition
2. Commerce Questionnaire
3. Description of Procedures in Unit Clarification Cases (Form NLRB-5548)

cc: Richard Eaton, Labor Relations
Triple Canopy/Constellis
9500 Micron Avenue, Suite 136
Sacramento, CA 95827



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**



<p>Triple Canopy, Inc.</p> <p style="text-align: center;">Employer</p> <p style="text-align: center;">and</p> <p>Security Officers Association of America</p> <p style="text-align: center;">Petitioner</p>	<p>Case 27-UC-322333</p>
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AFFIDAVIT OF SERVICE OF: Petition dated July 24, 2023

I depose and say that on **July 24, 2023**, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Richard Eaton, Labor Relations
Triple Canopy/Constellis
9500 Micron Avenue, Suite 136
Sacramento, CA 95827

Triple Canopy, Inc.
7175 West Jefferson Avenue
Suite 1700
Lakewood, CO 80235

July 24, 2023

Date

ARIEL YORK, Designated Agent of NLRB

Name

/s/ Ariel York

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF PROCEDURES IN UNIT CLARIFICATION CASES

Investigation - *After a petition in a unit clarification case is filed with the NLRB, the NLRB assigns the petition a case number and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the Region conducts an administrative investigation that may include taking witness affidavits or issuing a notice to show cause. In some cases, the regional director may determine that a hearing is necessary and will issue a Notice of Hearing.*

Hearing Postponement – A party wishing to request a postponement of a hearing should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request should be filed with the regional director. E-Filing the request is preferred, but not required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Hearing – If a hearing is held, it will be conducted by a hearing officer of the NLRB and will continue day to day until completed absent extraordinary circumstances. The hearing is usually open to the public and all parties will be allowed to state their positions and present evidence on the issues deemed litigable. Any party has the right to appear at the hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity will not be controlling. Parties appearing at a hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made in the hearing room will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs may be filed only upon special permission of the regional director and within the time and addressing the subjects permitted by the regional director. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. If allowed, briefs should be double-spaced on 8½ by 11 inch paper. Briefs must be filed in accordance with the provisions of Section 102.111(b) of the Board's Rules. E-Filing of briefs through the Board's website, www.nlr.gov, is encouraged, but not required. Facsimile transmission of briefs is NOT permitted.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlr.gov or forward it to the NLRB office handling the petition as soon as possible.

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

**DESCRIPTION OF VOTER LIST REQUIREMENT AFTER HEARING IN CERTIFICATION AND
DECERTIFICATION CASES**

If an election is directed, the employer must provide the voter list. To be timely filed and served, the voter list must be *received* by the Regional Director and the parties named in the Decision and Direction of Election within 2 business days after the issuance of the Decision unless a longer period, based on extraordinary circumstances, is specified in the Decision and Direction of Election. A certificate of service on all parties must be filed with the Regional Director when the voter list is filed. The region will not serve the voter list.

List Contents - The list must include the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses and available home and personal cellular telephone numbers of all eligible voters). The Employer must also include in separate sections of that list the same information for those individuals the parties have agreed will be permitted to vote subject to challenge or those individuals who, according to the Decision and Direction of Election, will be permitted to vote subject to challenge.

List Format - The list must be in an electronic format approved by the General Counsel, unless the Employer certifies that it does not have the capacity to produce the list in the required format. Accordingly, unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word (.doc or .docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at: **[www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx)**.

It may be appropriate for the Employer to produce multiple versions of the list where the data required is kept in separate databases or files so long as all of the lists link the information to the same employees, using the same names, in the same order and are provided within the allotted time. If the Employer provides multiple lists, the list used at the election will be the list containing the employees' names and addresses.

Filing of the List - The voter list must be filed electronically by submitting (E-Filing) it through the Agency's website (www.nlr.gov), unless the Employer provides a written statement explaining why electronic submission is not possible or feasible. The Employer must also electronically serve the list on the other parties. To file electronically, go to www.nlr.gov, click on *E-File Case Documents*, and follow the detailed instructions. The burden of establishing the timely filing and receipt of the list is on the sending party. If you have questions about the submission, please promptly contact the Board agent investigating the petition.

Service of the List - The list must be served on the parties named in the Decision and Direction of Election within 2 business days after issuance of the Decision, unless another date has been specified. A certificate of service on all parties must be filed with the Regional Director when the voter list is filed. The Employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

The parties are not allowed to use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

Agency Website: www.nlr.gov
Telephone: (303)844-3551
Fax: (303)844-6249



Download
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July 24, 2023

Security Officers Association of America
P.O. Box 201051
Denver, CO 80220

Re: Triple Canopy, Inc.
Case 27-UC-322333

Dear Sir or Madam:

The petition that you filed with the National Labor Relations Board (NLRB) seeking to determine whether certain employees should be part of the existing collective-bargaining unit has been given the above number. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Stephanie Scaffidi whose telephone number is (720)598-7388. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Assistant to the Regional Director Kelly Selvidge whose telephone number is (720)598-7389.

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- (a) The correct name of your organization;
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any addenda or extensions, covering any employees in the collective-bargaining unit specified on the petition (the Unit);
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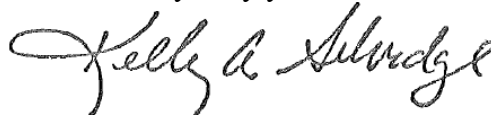
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* * *

Information about the NLRB, the procedures we follow in representation cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Kelly A. Selvidge". The signature is fluid and cursive, with the first name "Kelly" and last name "Selvidge" clearly legible.

KELLY A. SELVIDGE
Acting Regional Director

Enclosure:

Description of Procedures in Unit Clarification Cases (Form NLRB-5548)

cc: William R. Reinken, Attorney
Rosenblatt & Gosch, PLLC
8085 East Prentice Avenue
Greenwood Village, CO 80111-2705

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF PROCEDURES IN UNIT CLARIFICATION CASES

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